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February 22, 2007

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Art Unit To Be Assigned

Attn: Mail Stop Amendment

Re: U.S. Utility Patent Application
Application No. 10/578,900; Filed: May 12, 2006
For: **2-Ethyl-4,6-Dimethyl-Phenyl-Substituted Spirocyclic Tetramic Acid Derivatives**
Inventors: FISCHER *et al.*
Our Ref: 2400.0410000

Sir:

Transmitted herewith for appropriate action are the following documents:

1. Information Disclosure Statement under 37 C.F.R. § 1.97(b);
2. Form PTO/SB/08A seven (7) pages listing fifty-eight (58) cited documents (US1 - US2 and FP1 - FP56);
3. Form PTO/SB/08B three (3) pages listing twenty-four (24) cited documents (NPL1 - NPL 24);
4. Copies of eighty (80) references (documents FP1-FP56 and NPL1-NPL24); and
5. Return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier.

In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

Commissioner for Patents
February 22, 2007
Page 2

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Bryan L. Skelton
Attorney for Applicants
Registration No. 50,893

BLS/egw
Enclosure(s)

644546v1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

FISCHER *et al.*

Appl. No.: 10/578,900

(U.S. Nat'l Phase of Int'l App.
No. PCT/EP2004/012644)

Int'l Filing Date: November 9, 2004

For: **2-Ethyl-4,6-Dimethyl-Phenyl-
Substituted Spirocyclic Tetramic
Acid Derivatives**

Confirmation No.: 3603

Art Unit: *To Be Assigned*

Examiner: *To Be Assigned*

Atty. Docket: 2400.0410000/VLC/BLS

**Information Disclosure Statement
under 37 C.F.R. § 1.97(b)**

Mail Stop Amendment

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying IDS Forms, PTO/SB/08A and PTO/SB/08B, are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Copies of documents **FP1** to **FP56** and **NPL1** to **NPL24** are submitted. However, in accordance with 37 C.F.R. § 1.98(a)(2), copies of U.S. patents and patent application publications, documents **US1** and **US2**, cited on the attached IDS Form, PTO/SB/08A, are not submitted.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following discussion of the relevance of the non-English language documents, **FP1** to **FP6**, **FP8** to **FP20**, **FP22**, **FP23**, **FP25** to **FP56**, cited on Form PTO/SB/08A, and **NPL1**, cited on Form PTO/SB/08B.

Document **FP1**, DE 2 218 097, is in the German language. An English language abstract of document **FP1** is cited as document **NPL3** and submitted herewith.

Document **FP2**, DE 2 350 547, is in the German language. An English language abstract of document **FP2** is cited as document **NPL4** and submitted herewith.

Document **FP3**, EP 0 086 750 A2, is in the German language. An English language abstract of document FP3 is cited as document **NPL5** and submitted herewith.

Document **FP4**, EP 0 094 349 A2, is in the German language. An English language abstract of document FP4 is cited as document **NPL6** and submitted herewith.

Document **FP5**, EP 0 174 562 A2, is in the German language. An English language abstract of document FP5 is cited as document **NPL7** and submitted herewith.

Document **FP6**, EP 0 191 736 A2, is in the German language. An English language abstract of document FP6 is cited as document **NPL8** and submitted herewith.

Document **FP8**, EP 0 269 806 A1, is in the German language. An English language abstract of document FP8 is cited as document **NPL9** and submitted herewith.

Document **FP9**, EP 0 333 131 A1, is in the German language. An English language abstract of document FP9 is cited as document **NPL10** and submitted herewith.

Document **FP10**, EP 0 346 620 A1, is in the German language. An English language abstract of document FP10 is cited as document **NPL11** and submitted herewith.

Document **FP11**, EP 0 355 599 A1, is in the German language. An English language abstract of the document FP11 is cited as document **NPL13** and submitted herewith.

Document **FP12**, EP 0 377 893 A2, is in the German language. An English language abstract of document FP12 is cited as document as document **NPL12** and submitted herewith.

Document **FP13**, EP 0 415 211 A2, is in the German language. An English language abstract of the document FP13 is cited as document **NPL14** and submitted herewith.

Document **FP14**, WO 91/07874 A1, is in the German language. An English language abstract of the document FP14 can be found on the face page of the published patent application.

Document **FP15**, WO 91/08202 A1, is in the German language. An English language abstract of the document FP15 can be found on the face page of the published patent application.

Document **FP16**, EP 0 442 073 A2, is in the German language. An English language abstract of the document FP16 is cited as document **NPL15** and submitted herewith.

Document **FP17**, EP 0 442 077 A2, is in the German language. An English language abstract of the document FP17 is cited as document **NPL16** and submitted herewith.

Document **FP18**, EP 0 456 063 A2, is in the German language. An English language abstract of document FP18 is cited as document **NPL17** and submitted herewith.

Document **FP19**, EP 0 492 366 A2, is in the German language. An English language abstract of document FP19 is cited as document **NPL18** and submitted herewith.

Document **FP22**, EP 0 582 198 A2, is in the German language. An English language abstract of document FP22 is cited as document **NPL19** and submitted herewith.

Document **FP25**, EP 0 613 884 A2, is in the German language. An English language abstract of document FP25 is cited as document **NPL20** and submitted herewith.

Document **FP26**, EP 0 613 885 A2, is in the German language. An English language abstract of document FP26 is cited as document **NPL21** and submitted herewith.

Document **FP27**, WO 94/29268 A1 is in the German language. An English language abstract of the document FP27 can be found on the face page of the published patent application.

Document **FP28** WO 95/01971 A1 is in the German language. An English language abstract of the document FP28 can be found on the face page of the published patent application.

Document **FP29**, WO 95/07897 A1, is in the German language. An English language abstract of the document FP29 can be found on the face page of the published patent application.

Document **FP30**, WO 95/20572 A1, is in the German language. An English language abstract of the document FP30 can be found on the face page of the published patent application.

Document **FP31**, EP 0 668 267 B1, is in the German language. An English language abstract of document FP31 is cited as document **NPL22** and submitted herewith.

Document **FP32**, WO 95/26954 A1, is in the German language. An English language abstract of the document FP32 can be found on the face page of the published patent application.

Document **FP33**, WO 96/25395 A1, is in the German language. An English language abstract of the document FP33 can be found on the face page of the published patent application.

Document **FP34**, WO 96/35664 A1, is in the German language. An English language abstract of the document FP34 can be found on the face page of the published patent application.

Document **FP35**, WO 97/01535 A1, is in the German language. An English language abstract of the document FP35 can be found on the face page of the published patent application.

Document **FP36**, WO 97/02243 A1, is in the German language. An English language abstract of the document FP36 can be found on the face page of the published patent application.

Document **FP37**, WO 97/36868 A1, is in the German language. An English language abstract of document FP37 can be found on the face page of the published patent application.

Document **FP38**, WO 97/43275 A2, is in the German language. An English language abstract of the document FP38 can be found on the face page of the published patent application.

Document **FP39**, DE 196 21 522 A1, is in the German language. An English language abstract of the document FP39 is cited as document **NPL23** and submitted herewith.

Document **FP40**, WO 98/05638 A2, is in the German language. An English language abstract of the document FP40 can be found on the face page of the published patent application.

Document **FP41**, WO 98/06721 A1, is in the German language. An English language abstract of the document FP41 can be found on the face page of the published patent application.

Document **FP42**, WO 98/25928 A1, is in the German language. An English language abstract of the document FP42 can be found on the face page of the published patent application.

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Document **FP45**, WO 99/43649 A1, is in the German language. An English language abstract of the document FP45 can be found on the face page of the published patent application.

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Document **FP50**, WO 01/17972 A2, is in the German language. An English language abstract of the document FP50 can be found on the face page of the published patent application.

Document **FP51**, WO 01/23354 A2, is in the German language. An English language abstract of the document FP51 can be found on the face page of the published patent application.

Document **FP56**, WO 03/013249 A1, is in the German language. An English language abstract of the document FP56 can be found on the face page of the published patent application.

Document **NPL1**, Schmierer, R. and Mildenberger, H., "Cyclisierung von *N*-Acylalanin- und *N*-Acylglycinestern," *Liebigs Ann. Chem.* 5:1095-1098, Verlag Chemie (1985), is in the German language. An English language abstract of the document NPL1 can be found on the face page of the article.

The documents **FP20**, **FP23**, **FP44**, **FP52** to **FP55**, were cited in a search report by a foreign patent office in a counterpart foreign application. Submission of an English language version of the search report that indicates the degree of relevance found by the foreign office is provided in satisfaction of the requirement for a concise explanation of relevance. The search report is attached as document **NPL24** on the IDS Form, PTO/SB/08B. 1138 OG 37, 38.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached IDS Forms based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of the First Office Action on the merits. No statement or fee is required.

It is respectfully requested that the Examiner initial and return a copy of the enclosed IDS Forms, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Bryan L. Skelton
Agent for Applicants
Registration No. 50,893

Date: FEBRUARY 22, 2007

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Substitute for form 1449A/PTO				Complete if Known Application Number Int'l Filing Date First Named Inventor Art Unit Examiner Name Attorney Docket Number	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				10/578,900 (U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012644) November 9, 2004 FISCHER, Reiner <i>To Be Assigned</i> <i>To Be Assigned</i> 2400.0410000/VLC/BLS	
Sheet	5	of	7		

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.†	Foreign Patent Document Country Code* Number* Kind Code* (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	‡
	FP37	WO 97/36868 A1	10/09/1997	Bayer Aktiengesellschaft	Abs
	FP38	WO 97/43275 A2	11/20/1997	Bayer Aktiengesellschaft	Abs
	FP39	DE 196 21 522 A1	12/04/1997	Hoechst Schering AgrEvo GmbH	Abs
	FP40	WO 98/05638 A2	02/12/1998	Bayer Aktiengesellschaft	Abs
	FP41	WO 98/06721 A1	02/19/1998	Bayer Aktiengesellschaft	Abs
	FP42	WO 98/25928 A1	06/18/1998	Bayer Aktiengesellschaft	Abs
	FP43	WO 99/16748 A1	04/08/1999	Bayer Aktiengesellschaft	Abs
	FP44	WO 99/24437 A1	05/20/1999	Bayer Aktiengesellschaft	ISR
	FP45	WO 99/43649 A1	09/02/1999	Bayer Aktiengesellschaft	Abs

Examiner Signature	/Valerie Rodriguez-garcia/	Date Considered	12/18/2009
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance with MPEP 609. If applicant's unique citation designation number (optional), see Kind Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). *Indicate the date of publication, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. *Applicant is to place a check mark here if English language translation is attached.

English language Translation is attached.
This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 422 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. The time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND THAT TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.†	Foreign Patent Document Country Code* Number* Kind Code† (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	†*
	FP46	WO 99/48869 A1	09/30/1999	Bayer Aktiengesellschaft	Abs
	FP47	WO 99/55673 A1	11/04/1999	Bayer Aktiengesellschaft	Abs
	FP48	WO 99/66795 A1	12/29/1999	Hoechst Schering AgrEvo GmbH	Abs
	FP49	WO 01/09092 A1	02/08/2001	Bayer Aktiengesellschaft	Abs
	FP50	WO 01/17972 A2	03/15/2001	Syngenta Participations AG	Abs
	FP51	WO 01/23354 A2	04/05/2001	Bayer Aktiengesellschaft	Abs
	FP52	WO 01/74770 A1	10/11/2001	Bayer Aktiengesellschaft	ISR
	FP53	WO 02/17715 A1	03/07/2002	Bayer Aktiengesellschaft	ISR
	FP54	WO 02/19824 A1	03/14/2002	Bayer Aktiengesellschaft	ISR

Examiner Signature	/Valerie Rodriguez-garcia/	Date Considered	12/18/2009
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Substitute for form 1449A/PTO				<p>Complete if Known</p> <p>Application Number 10/578,900 (U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012644)</p> <p>Int'l Filing Date November 9, 2004</p> <p>First Named Inventor FISCHER, Reiner</p> <p>Art Unit <i>To Be Assigned</i></p> <p>Examiner Name <i>To Be Assigned</i></p> <p>Attorney Docket Number 2400.041000/VLC/BLS</p>			
<p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(Use as many sheets as necessary)</i></p>							
Sheet	7	of	7				

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Examiner Signature	/Valerie Rodriguez-garcia/	Date Considered	12/18/2009
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PTO/SB/08B (07-06)

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Form for 1449B/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Complete if Known

Application Number	10/578,900 (U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012644)
Int'l Filing Date	November 9, 2004
First named Inventor	FISCHER, Reiner
Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket Number	2400.0410000/VLC/BL5

Sheet 1 of 3

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T ²
	NPL1	Schmierer, R. and Mildenberger, H., "Cyclisierung von N-Acylalanin- und N-Acylglycinestern," <i>Liebigs Ann. Chem.</i> 5:1095-1098, Verlag Chemie (1985)	Abs
	NPL2	Suzuki, S., et al., "Studies on Antiviral Agents. IV. Biological Activity of Tenuazonic Acid Derivatives," <i>Chem. Pharm. Bull.</i> 15:1120-1122, Pharmaceutical Society of Japan (1967)	
	NPL3	Dialog File 351, Accession No. 502720, Derwent WPI English language abstract for DE 2 218 097 (listed on accompanying PTO/SB/08A as document FP1)	
	NPL4	Dialog File 351, Accession No. 629712, Derwent WPI English language abstract for DE 2 350 547 (listed on accompanying PTO/SB/08A as document FP2)	
	NPL5	Dialog File 351, Accession No. 2714950, Derwent WPI English language abstract for EP 0 086 730 A2 (listed on accompanying PTO/SB/08A as document FP3)	
	NPL6	Dialog File 351, Accession No. 2777922, Derwent WPI English language abstract for EP 0 094 349 A2 (listed on accompanying PTO/SB/08A as document FP4)	
	NPL7	Dialog File 351, Accession No. 3892231, Derwent WPI English language abstract for EP 0 174 562 A2 (listed on accompanying PTO/SB/08A as document FP5)	
	NPL8	Dialog File 351, Accession No. 3770049, Derwent WPI English language abstract for EP 0 191 736 A2 (listed on accompanying PTO/SB/08A as document FP6)	
	NPL9	Dialog File 351, Accession No. 4372286, Derwent WPI English language abstract for EP 0 269 806 A1 (listed on accompanying PTO/SB/08A as document FP8)	
	NPL10	Dialog File 351, Accession No. 4889149, Derwent WPI English language abstract for EP 0 333 131 A1 (listed on accompanying PTO/SB/08A as document FP9)	

Examiner Signature	/Valerie Rodriguez-garcia/	Date Considered	12/18/2009
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/578,900 (U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012644)
				Int'l Filing Date	November 9, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
Sheet	2	of	3	Attorney Docket Number	2400.0410000/VLC/BLS

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume number, publisher, city and/or country where published	T ²
	NPL11	Dialog File 351, Accession No. 4963457, Derwent WPI English language abstract for EP 0 346 620 A1 (listed on accompanying PTO/SB/08A as document FP14)	
	NPL12	Dialog File 351, Accession No. 5225712, Derwent WPI English language abstract for EP 0 377 893 A2 (listed on accompanying PTO/SB/08A as document FP12)	
	NPL13	Dialog File 351, Accession No. 5386698, Derwent WPI English language abstract for EP 0 355 599 A1 (listed on accompanying PTO/SB/08A as document FP11)	
	NPL14	Dialog File 351, Accession No. 5466100, Derwent WPI English language abstract for EP 0 415 211 A2 (listed on accompanying PTO/SB/08A as document FP13)	
	NPL15	Dialog File 351, Accession No. 55637050, Derwent WPI English language abstract for EP 0 442 073 A2 (listed on accompanying PTO/SB/08A as document FP16)	
	NPL16	Dialog File 351, Accession No. 5637204, Derwent WPI English language abstract for EP 0 442 077 A2 (listed on accompanying PTO/SB/08A as document FP17)	
	NPL17	Dialog File 351, Accession No. 5720288, Derwent WPI English language abstract for EP 0 456 063 A2 (listed on accompanying PTO/SB/08A as document FP18)	
	NPL18	Dialog File 351, Accession No. 5984812, Derwent WPI English language abstract for EP 0 492 366 A2 (listed on accompanying PTO/SB/08A as document FP19)	
	NPL19	Dialog File 351, Accession No. 6665683, Derwent WPI English language abstract for EP 0 582 198 A2 (listed on accompanying PTO/SB/08A as document FP22)	
	NPL20	Dialog File 351, Accession No. 6979861, Derwent WPI English language abstract for EP 0 613 884 A2 (listed on accompanying PTO/SB/08A as document FP25)	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	10/578,900 (U.S. Nat'l Phase of Int'l App. No. PCT/EP2004/012644)
				Int'l Filing Date	November 9, 2004
				First Named Inventor	FISCHER, Reiner
				Art Unit	To Be Assigned
				Examiner Name	To Be Assigned
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	NPL21	Dialog File 351, Accession No. 6979862, Derwent WPI English language abstract for EP 0 613 885 A2 (listed on accompanying PTO/SB/08A as document FP26)	
	NPL22	Dialog File 351, Accession No. 7380333, Derwent WPI English language abstract for EP 0 668 267 B1 (listed on accompanying PTO/SB/08A as document FP31)	
	NPL23	Dialog File 351, Accession No. 9053979, Derwent WPI English language abstract for DE 196 21 522 A1 (listed on accompanying PTO/SB/08A as document FP39)	
	NPL24	International Search Report for International Application No. PCT/EP2004/012644, European Patent Office, Netherlands, mailed on May 11, 2005	
Year of references not provided.			

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